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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL TAYLOR OTT,

Defendant.

No. CR 17 00533 EMC

**NOTICE OF JOINT GROUP ONE
DEFENSE OBJECTION TO THE
INTRODUCTION OF EXHIBITS 1392,
277, 278, AND 279**

**Dept: The Honorable Edward M. Chen
United States District Judge**

**TO: THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF
CALIFORNIA; ASSISTANT UNITED STATES ATTORNEYS KEVIN BARRY,
AJAY KRISHNAMURTHY AND LINA PENG; AND TO THE CLERK OF THE
ABOVE-ENTITLED COURT:**

The government has provided notice to Nelson Trial Group One that it intends to call
Sonoma County Sheriff's Officer Troy Newton tomorrow to testify regarding the search of Jeremy

JOINT GROUP ONE DEFENSE OBJECTION TO EXHIBITS 1392, 277-279

1 Greer's van on December 28, 2016. Included in the noticed list of exhibits is a set of photos of the
2 search of the van, Exhibit 1392. This exhibit consists of 92 photos. At the conclusion of the trial
3 day on May 11, 2022, the Court ordered the the government to provide specific notice for groups
4 of 25 or more photos of the actual photos that it intends to display and publish to the jury. RT
5 3893. Such notice has not been provided to Trial Group One, and the defense objects to the
6 identification, admission, and publishing of photographs from Exhibit 1392 without the
7 appropriate notice.

8 On the same topic of displaying and publishing photos, the government has been
9 displaying photographs on the Elmo and identifying them, and publishing them, by Bates number
10 identification. The problem with that process for bulk photo exhibits is that the defense can not
11 identify the particular photo in real time because it only has the bulk photos in a large PDF format,
12 and not by specific Bates number. The Bates numbers are, of course, on the individual PDFs, but
13 the basic problem is that the defense is not able to easily scroll to, or identify, the particular photo
14 being offered. The suggestion is that, rather than by Bates number, the government identify the
15 page of the large PDF file being referenced. (e.g. XX of 92)

16 Related to the same topic of the testimony of officer Newton, earlier today the government
17 sent an email to defense counsel that it intended to introduce physical evidence items seized from
18 Jeremy Greer's van, Exhibits 297-299. These items were not on the government's earlier issued
19 Witness and Exhibit list, and are further identified as: (277) 1B372 (Camo Gear and Ballistic
20 Vest); (278) 1B731 (Burglary Tools); and (279) 1B730 (Tools Hand W/ Homemade Billy Club.
21 The defense objects to the admission of these physical evidence items into evidence on FRE 403
22 grounds, reminding the Court that these items are not specifically connected to the Group One
23 defendants, and are being offered as enterprise act evidence. Photographs of these specific items
24 are part of Exhibit 1392, and are perfectly adequate to prove up the collection and seizure of the

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1 items, rather than the introduction of the physical evidence.

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4 Dated: May 12, 2022

Respectfully submitted,

5 /s/

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7 MARCIA M. MORRISSEY
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10 JAI M. GOHEL
11 RICHARD G. NOVAK

12 By: /s/ Robert F. Waggener
13 ROBERT F. WAGGENER
14 On Behalf of Group One Defense
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